

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

KIMBERLY STARLING, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

MARA DAY SPA LLC, LEDIMARA
PINNEY, and GREGORY SMITH

Defendants.

Case No.

4:24-CV-00917-P

JURY TRIAL DEMANDED

**MOTION AND MEMORANDUM IN SUPPORT OF MOTION
TO CLARIFY, OR, ALTERNATIVELY, CONTINUE**

Plaintiff respectfully requests leave of court to clarify its order setting hearing for February 7, 2025 (ECF No. 22), or alternatively reschedule it as necessary, as follows:

As articulated in Plaintiff's Notices of Unavailability and Motion to Voluntarily Dismiss (ECF Nos. 20, 23, 24), Attorney Anthony Paronich signed the Complaint but *did not enter an appearance* on this case. Attorney Paronich is and was overseas starting early in the morning on Saturday, February 1, and will not return until Sunday, February 9.

Given that Mr. Paronich has not entered his appearance in this case, it appears that he is not and was not counsel of record. However, to avoid any issues or perceived non-compliance with the Court's order, the Plaintiff seeks clarification as to whether Mr. Paronich is expected to attend the February 7, 2025 hearing.

If Mr. Paronich is expected to attend and the hearing is to go forward, he respectfully requests leave of Court to postpone the hearing previously scheduled for February 7, 2025, to February 10, 2025, which he will be able to attend as he has returned, or in the alternative, granted leave to appear virtually via telephone or videoconference on February 7. Mr. Perrong

will attend from Pennsylvania either day, as will local counsel Sharon Campbell¹ and the Plaintiff herself. Counsel for the Plaintiff has still not heard from any of the Defendants regarding their intention to appear.

RESPECTFULLY SUBMITTED AND DATED this February 5, 2025.

/s/ Andrew Roman Perrong
Andrew Roman Perrong (N.D. Tex. # 333687)
Perrong Law LLC
2657 Mount Carmel Avenue
Glenside, Pennsylvania 19038
Phone: 215-225-5529 (CALL-LAW)
Facsimile: 888-329-0305
a@perronglaw.com

Attorney for Plaintiff and the Class

CERTIFICATE OF CONFERENCE

I hereby certify that I attempted to confer with Defendants Ledimara Pinney and Gregory Smith via two telephone calls on February 4th, which were unanswered. Accordingly, this motion is opposed and the Defendants have failed to confer on the relief requested herein.

CERTIFICATE OF SERVICE

I certify that I filed the foregoing via ECF on the below date, which will automatically send a copy to all attorneys of record on the case. I also certify that I mailed a copy of the foregoing to:

Mara Day Spa LLC
2222 McKinney Ave Unit 120
Dallas, TX 75201
Tracking Number: [to be provided]

and

¹ Attorney Campbell is 13th in the list for a state court trial scheduled to begin on Monday. Given this late position in the list, Attorney Campbell has indicated that she will be able to attend a Monday hearing.

Ledimara Pinney
and Gregory Smith
6311 Turner Way
Dallas, TX 75230-1838
Tracking Number: [to be provided]

February 5, 2025

/s/ Andrew Roman Perrong
Andrew Roman Perrong (N.D. Tex. # 333687)

Perrong Law LLC
2657 Mount Carmel Avenue
Glenside, Pennsylvania 19038
Phone: 215-225-5529 (CALL-LAW)
Facsimile: 888-329-0305
a@perronglaw.com

Attorney for Plaintiff and the Class